



EMPLOYMENT TRIBUNALS

Claimants: Mr D Farrell

Respondents: Late Rooms Limited (in Administration)

RULE 21 JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

The time for presenting a response having expired , and no valid response having been presented by the respondent within the prescribed time limit , it is the judgment of the Tribunal that:

1. The respondent failed to consult with the claimant as a person who may be affected by proposals to dismiss, or measures taken in connection with the dismissal of, 20 or more employees, in breach of s.188(1) of the Trade Union and Labour Relations (Consolidation) Act 1992.
2. The claimant is entitled to , and the Tribunal orders the respondent to pay, a protective award. That award is an award of remuneration for the protected period of 90 days from 2 August 2019.
3. If the claimant wishes to pursue any claim for notice pay, he must by no later than **29 January 2021** provide to the Tribunal the information requested of him in the Tribunal's letter of 12 October 2020 , failing which the claim for notice pay will be struck out on the grounds that it is not being actively pursued.

NOTE AND REASONS

- 1.This claim arises from the Administration of the respondent, and the necessary consent to the claim proceeding has been given.
- 2.No response to the claim has been received, and the claim therefore succeeds.
- 3.A protective award is a two stage process. The Tribunal at this stage makes no financial awards but gives a judgment that the claimant is entitled to a protective award in the terms set out above. The claimant must then seek payment of his individual award from the respondent (or the Secretary of State) , quantifying the same.

4.Failure to pay, or any dispute as to the amount payable, then becomes a matter for a further separate claim under s.192 of the Trade Union and Labour Relations (Consolidation) Act 1992 for payment of the award.

5.In relation to the claimant's claim for notice pay, the Tribunal has been seeking the necessary information and evidence to enable it to calculate any award to which the claimant may be entitled for notice pay. By letter of 12 October 2020 the Tribunal set out what information was required. Unfortunately the claimant has not replied to that letter.

6.If he does not do so by the date specified above, his claim for notice pay will be struck out on the grounds that it is not being actively pursued.

Employment Judge Holmes

Dated: 13 January 2021

JUDGMENT SENT TO THE PARTIES ON

15 January 2021

FOR THE TRIBUNAL OFFICE